

COMMENT

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IN OUR OPINION

For courts and taxpayers

*Unifying trial courts can
reduce delays and expenses*

The idea of merging trial courts may not be workable in all of Michigan's 83 counties, but it is already succeeding in some of them — saving time and money and making the courts easier to use. Other counties wanting to go that way should be given the chance.

The Michigan Supreme Court, in a letter written by Chief Justice Maura D. Corrigan, has made that suggestion to Gov. John Engler and leaders of the Legislature. The governor and the legislators ought to take up the concept.

The single trial court arrangement is in place on a pilot basis in a half-dozen counties. Barry County, has had it since 1996. The county's circuit, probate and district courts function as one for trial-court purposes. If a person has business before two or more courts, it can be handled at one time. If a judge in one of the courts has trials piling up, a judge of another court

steps in to help. And with the three judges having more time to negotiate settlements, less money goes for trial expenses: including juries, police, jail stays and public-defender attorneys.

The result is that Barry County courts — under the heading of the Barry County Trial Court — have no backlog of cases and have been able to stabilize or reduce their budgets. Expenses in the Barry County Circuit Court last year, for ex-

ample, were almost unchanged from the level of 1995.

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Washtenaw County, where 14 judges began their pilot in 1996, shows the same steady improvement. Criminal cases pending more than 300 days were down to 12 last year from 87 just two years earlier. Felony cases since the pilot began take 43 fewer days to process. Jail costs are down by \$2,666 per defendant.

Unification would be more complex in urban Kent County, though hardly impossible. The problem isn't so much the larger number of judges, 23, but that four district courts — in Grand Rapids, Kentwood, Wyoming and Grandville/Walker — are largely funded by the cities in which they are located and are staffed with judges elected by those cities' voters. Under a unified system, would a Grand Rapids 61st District Court judge be elected countywide? If not, how would people living north of 4 Mile Road, for instance, feel about having their cases heard by a judge elected in a Grand Rapids-only election?

Most Michigan counties are more like Barry than Kent and present no such complications. The Supreme Court thus isn't asking for a mandate that all counties unify their trial benches but that every county have the option. The efficiencies and the added convenience for the public make this the kind of good-sense reform that government ought to be about.

The first step should be deciding whether an amendment to the Michigan Constitution is needed. There is good reason to think that it is. As Justice Stephen Markman noted in his own letter on the court-unification issue, the Constitution provides that "the judicial power be 'divided' into a circuit court and a probate court."

The Legislature in the past has tried to deal with court reorganization through the amendment process, always encountering resistance from judges. The current family courts — handling most divorce, child custody and other domestic cases — are circuit-probate hybrids created by the Supreme Court and lawmakers when they couldn't get an amendment proposal through the Legislature. But as Justice Markman warned in his letter, and as Justice Corrigan acknowledged in hers, the assigning of probate judges into the circuit-level powers of family courts shouldn't be seen as a permanent solution. The arrangement is of dubious constitutionality. The same goes for the merged trial courts, such as Barry County's, which have been on "pilot" status for six years and seem likely to remain there indefinitely.

The situation is looking a lot like a chewing gum-and-bailing wire apparatus to get around the Legislature's unwillingness to face up to the shortcomings of the courts and respond with a Constitution-amending solution. The Legislature's chief watchman over the courts, Sen. William Van Regenmorter, R-Georgetown Township, knows the problem well and, indeed, has tried unsuccessfully to get a constitutional amendment through the Legislature. He should try again, at least to draw attention to the issue. Those who oppose change should be made to explain themselves.